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Andrew N. Parfomak
Norris, McLaughlin & Marcus, PA
875 Third Avenue
18th Floor
New York, New York 10022

In re Application of	:	
CHEUNG et al.	:	
U.S. Application No.: 10/595,872	:	DECISION ON PETITION
PCT No.: PCT/GB04/04860	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 18 November 2004	:	
Priority Date: 21 November 2003	:	
Attorney Docket No.: 102792-210/11362P3US	:	
For: CLEANING COMPOSITIONS	:	

This decision is issued in response to applicants' "Petition to Admit Oath & Declaration Pursuant to 37 CFR 1.47(a), 35 USC 118 (Joint Inventor - Inventor Unavailable - 'Cannot Be Reached') filed 30 November 2006 to accept the application without the signature of joint-inventor, Andrew Courtney.

BACKGROUND

On 18 November 2004, applicants filed international application PCT/GB04/04860 which claimed a priority date of 21 November 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 09 June 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 21 May 2006.

On 17 May 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a preliminary amendment; and an unexecuted declaration.

On 28 September 2006, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 30 November 2006, applicants filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the non-signing joint inventor.

A review of the papers filed 30 November 2006 reveals that petitioner has paid the requisite petition fee, provided sufficient proof that the non-signing inventor (Andrew Courtney) refused to sign, stated the last known address of the non-signing inventor (Andrew Courtney), and provided an acceptable declaration. Accordingly, all of the requirements of items (1), (2), (3), and (4) above have been satisfied.

CONCLUSION

The petition under 37 CFR 1.47(a) is GRANTED.

The application will be given an international filing date of 18 November 2004 under 35 U.S.C. 363, and a date of 30 November 2006 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.



Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459